

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Nancy Buccina, et al.,

Case No. 3:14CV2434

Plaintiffs

v.

ORDER

Linda Ann Grimsby,

Defendant

This is a maritime tort case arising from a boating accident on the Maumee River.

Pending is a motion by the defendant, Linda Ann Grimsby, for a set-off of \$1,540.16 against any recovery the plaintiff, Nancy Buccina, obtains at trial. (Doc. 93). As the motion explains, Grimsby's insurance carrier paid \$1,540.16 to satisfy medical bills Buccina incurred between June, 2012 and September, 2012. (*Id.* at 5).

Under Ohio law, which applies in the absence of a controlling principle of federal admiralty law, *see Buccina v. Grimsby*, 157 F. Supp. 3d 704, 705 (N.D. Ohio 2016), "a tort defendant is generally entitled to set off the full amount of compensation that the plaintiff receives from benefit sources affiliated with that defendant." *Hess v. Norfolk S. Ry. Co.*, 106 Ohio St. 3d 389, 295 (2005).

Because Grimsby's insurance carrier paid \$1,540.16 to satisfy Buccina's medical bills, Grimsby is entitled, should the jury return a verdict and damages for Buccina, to a credit of \$1,540.16 against such award.

It is, therefore,

ORDERED THAT defendant's motion for a setoff (Doc. 93) be, and the same hereby is,
granted.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge